

**RONALD T. ADAMS, OSB NO. 760400**

rta@bhlaw.com

**NATALIA YEGOROVA, OSB NO. 065617**

ny@bhlaw.com

Black Helterline LLP

805 S.W. Broadway, Suite 1900

Portland, OR 97205

T: 503.224.5560

F: 503.224.6148

Attorney(s) for Plaintiff

BRIDGEVIEW VINEYARDS, INC.

FILED 09 NOV 10 10:58AM DDC-ORM

**UNITED STATES DISTRICT COURT**

**DISTRICT OF OREGON**

**BRIDGEVIEW VINEYARDS, INC.,**  
an Oregon corporation,

CA - 3099- CL

Plaintiff,

**VERIFIED COMPLAINT FOR:**

v.

- (1) UNFAIR COMPETITION AND FALSE DESIGNATION OF ORIGIN (15 U.S.C. § 1125(a));
- (2) UNFAIR COMPETITION AND FALSE DESIGNATION OF ORIGIN (ORS § 646.608);
- (3) TRADEMARK INFRINGEMENT (FEDERAL AND OREGON COMMON LAW)

**TRI-STAR MARKETING INC.**, a California corporation, **ONE PLUS TWO INC.**, a California corporation, **WOODBRIDGE WINERY, INC.**, a California corporation, **TRI-STAR MARKETING, LLC**, a California limited liability company, and **ANTHONY SCOTTO, III**, an individual

Defendants.

JURY TRIAL REQUESTED

## **PRELIMINARY STATEMENT**

1. Plaintiff, Bridgeview Vineyards, Inc. (hereinafter, "Plaintiff" or "Bridgeview") brings this action against Tri-Star Marketing Inc. (hereinafter, "Tri-Star"), One Plus Two Inc. (hereinafter, "One Plus Two"), Woodbridge Winery, Inc. (hereinafter, "Woodbridge") and Anthony Scotto, III (hereinafter, "Scotto") under the Trademark Act of 1946, as amended, 15 U.S.C. § 1051 et seq., as well as for unfair competition and false designation of origin under 15 U.S.C. § 1125(a), ORS § 646.608 to preliminarily enjoin the current and prospective infringement of Plaintiff's trademark and seeking damages resulting from these actions as follows.

## **JURISDICTION AND VENUE**

2. The First Claim for relief arises under The Lanham Act of 1946, as amended, 15 U.S.C. § 1051 et seq. Jurisdiction over the subject matter of this claim is vested in this Court under 15 U.S.C. § 1121(a) and 28 U.S.C. § 1331.

3. The Second and Third Claims for relief arise under the statutory law and common law of the state of Oregon. Jurisdiction over the subject matter of these claims is vested in this Court under 28 U.S.C. § 1338(b) in that these claims are joined with the substantial and related claims identified in paragraph 2 above. Jurisdiction over these claims is also vested in this Court under 28 U.S.C. § 1367(a) based upon the principles of supplemental jurisdiction.

4. A substantial part of the events and/or omissions giving rise to the claims asserted herein occurred in this the District of Oregon and have caused, and continue to cause, damage to Plaintiff in this District. Further, upon information and belief, Defendants have sold, advertised, promoted, and provided goods and services in this District under an infringing mark, and will continue to sell, advertise, promote, and provide goods and services utilizing an infringing mark,

unless enjoined by this Court in this District, as set forth more fully herein. Accordingly, this Court has personal jurisdiction over the Defendants and venue in this District is proper under 28 U.S.C. § 1391(b) and 1391(c).

### **THE PARTIES**

5. Bridgeview is an Oregon corporation having a place of business at 4210 Holland Loop Road, Cave Junction, Oregon 97523. Bridgeview is engaged in the business of raising grapes, pressing grapes and selling bottled wines under, amongst others, the trademark BLUE MOON.

6. Upon information and belief, Tri-Star Marketing is a corporation of the state of California doing business under the name BLUE MOON WINES and, listing itself as having a place of business at 712 Bancroft Road #463, Walnut Creek, California 94598.

7. Upon information and belief, Tri-Star is engaged in the business of distributing wines promoted under an unregistered mark BLUE MOON WINES and has caused others to undertake efforts to use that mark on wine bottle labels.

8. Upon information and belief, One Plus Two is a corporation organized under the laws of the state of California having a place of business at 1683 Nuala Street, Concord, California 94518 and is in the business of making and/or bottling wines.

9. Upon information and belief, Woodbridge Winery, Inc. incorporated under the laws of the state of California, has a place of business at 1649 E. Victor Road, #1C, Lodi, California 95240.

10. Upon information and belief, Anthony Scotto, III, has various positions and places of businesses, including President of Tri-Star Marketing Inc. and Chief Executive Officer of Woodbridge Winery, Inc. d/b/a Woodbridge Beverage Company, Lodi, California.

11. Upon information and belief, Tri-Star Marketing, LLC is a California limited liability company, affiliated with Tri-Star Marketing Inc., and having a place of business at 712 Bancroft Road #463, Walnut Creek, California 94598 and is in the wine business selling wine.

### **FACTUAL ALLEGATIONS AS TO ALL CLAIMS**

12. Plaintiff is a well-known vineyard and winery field and is a highly respected supplier of wines throughout the United States. Plaintiff is a family owned business founded in the mid-1980's when its now-president Robert Kerivan, former fireman and businessman in the trucking and air cargo businesses, and its now-secretary/treasurer, Lelo Kerivan started clearing land and planting vineyards in the Illinois Valley adopting relatively expensive vineyard practices to produce high quality wine grapes, including planting the grape vines in rows some six feet apart rather than the usual 12 feet utilized in the United States, and limiting the number of buds per vine. Plaintiff has continued acquiring and clearing land and planting vineyards and producing high quality wine under various trademarks, including the trademark BLUE MOON used since at least as early as 1993, to identify some ten different varieties of wines available from Bridgeview and promoted in its literature distributed throughout the United States and displayed on its website [www.bridgeviewwine.com](http://www.bridgeviewwine.com).

13. On June 10, 1997, the United States Patent and Trademark Office granted Bridgeview U.S. Trademark Registration No. 2,068,550 on the mark BLUE MOON displayed in fanciful script and in conjunction with a graphic of a moon. A copy of the registration is attached hereto as Ex. A. This registration remains in full force and effect and is now incontestable.

14. On February 16, 1999, the United States Patent and Trademark Office granted Bridgeview U.S. Trademark Registration No. 2,224,435 on the word mark BLUE MOON for use

on wines, copy attached as Ex. B. This registration remains in full force and effect and is incontestable.

15. Through Plaintiff's uninterrupted wide spread and continuous use and promotion of the trademark BLUE MOON, the mark has become well-known in the trade as identifying the high quality of wine produced by Plaintiff and recognized by wine judges at various competitions, and on the order of a dozen or so awards for high quality presented by the Oregon State Fair Wine. Plaintiff's promotion, including, for instance, donation of tens of thousands of dollars to the 9/11 Firemen's Charity Fund, promotion in literature and at retail outlets of its BLUE MOON WINES throughout the various states, often featuring distinctive cobalt blue bottles to compliment the BLUE MOON mark, has served to garner Plaintiff a reputation of quality and excellence among the consuming public and the trade in general.

16. Plaintiff has long promoted itself on its website as follows:

“Bridgeview Winery is home of the famous Blue Moon Wines in the blue bottles. Blue Moon Riesling, Chardonnay, and Pinot Noir . . .”

displayed adjacent images of distinctive blue bottles and the legend: “BLUE MOON WINES” displayed in distinctive script on a blue banner featuring a landscape with a graphic of a blue colored moon in the background, Ex. C, attached hereto.

17. On information and belief, some time between 2004 and 2006, and long subsequent to Bridgeview's adoption, use and popularization of the trademark BLUE MOON, defendant Tri-Star adopted the mark BLUE MOON WINES and commenced a nationwide and international program to promote the distribution of wines under that mark displaying it prominently in numerous locations on its websites and in October 2005 secured the domain name [www.bluemoonwines.com](http://www.bluemoonwines.com). Tri-Star promotes itself as marketing “. . . Blue Moon's brands . . .”

as represented by a “. . . Blue Moon broker . . .” and promotes sales via “Blue Moon using distribution partners . . .” in the various states even though Bridgeview has never authorized it to market the BLUE MOON brands or use any BLUE MOON broker.

18. On information and belief, Tri-Star embarked on a campaign to place its d/b/a Blue Moon Wines in the marketplace in such a manner as to encourage others to recognize it as the true source of BLUE MOON wines, including the filing of applications with the tax control agencies in the various states to seek clearance to distribute wines under the name BLUE MOON WINES, all without permission from Bridgeview for use of the BLUE MOON mark.

19. Tri-Star has promoted itself as a distributor and producer of wines identifying itself as BLUE MOON, including an article entitled *Spotlight on Blue Moon Wines* published on the website of Vinterviews.com, copy of reprint attached as Ex. D.

20. Defendants' display the domain name [www.bluemoonwines.com](http://www.bluemoonwines.com) on their wine labels promoted under the mark BLUE MOON WINES in such a manner as to suggest the wine is sponsored and endorsed by the true owner of the BLUE MOON mark.

21. On information and belief, One Plus Two supplies wine to Tri-Star for national sales and controls the quality of wines distributed by Tri-Star without any control by Bridgeview.

22. Anthony Scotto, III promotes himself on the various Tri-Star websites as president of Tri-Star d/b/a Blue Moon Wines and holds himself out as Chief Executive Officer of Woodbridge and on information and belief is the moving force behind Defendants' acts complained of herein. On information and belief, Scotto, claiming to be in partnership with VAZ Brothers, undertook to market wines bearing labels boldly displaying the unregistered mark BLUE MOON WINES.

23. Tri-Star promotes its wines on the [www.bluemoonwines.com](http://www.bluemoonwines.com) website under the bold legend “Welcome to Blue Moon Wines . . .” inviting the user to click onto “THE BLUE MOON WINES FAMILY” page, and featuring Anthony Scotto, III, President commenting “I started Blue Moon Wines in 2004 with a goal of bringing quality products to the market that fit our customer's needs.” The website promotes its distribution in some 30 states displaying multiple pages promoting the sale of wine and, until about the time Plaintiff complained of the infringement complained of herein, on numerous pages featured a blue banner displaying a blue graphic of a blue colored moon and the script BLUE MOON WINES having an appearance strikingly similar to Plaintiff's advertising described in paragraph 16 above, Ex. E hereto. On information and belief, an online search under the term “blue moon” turns up the [www.bluemoonwines.com](http://www.bluemoonwines.com) site appearing immediately ahead of the listing for the Bridgeview BLUE MOON wines, thus suggesting to the purchasing public some connection.

24. On or about October 14, 2009, Bridgeview's president Robert Kerivan first became aware of Tri-Star's use of the BLUE MOON WINES mark when reviewing a listing of wineries by the Oregon Liquor Control Commission listing the trade name BLUE MOON WINES displayed in such a manner as likely to lead customers to believe that the company is a winery rather than a distributor, true and accurate copies of a partial list showing that listing attached hereto as Ex F.

25. On information and belief, on or about April 13, 2009, Tri-Star and Defendant Scotto caused an application to be filed with the Department of Treasury, Alcohol And Tobacco Tax and Trade Bureau (“TTB”), by one VAZ Brothers LLC for approval of a wine bottle label bearing the legend:

BLUE MOON WINES 2008, Lodi Chardonnay Vinted And  
Bottled By Iron Oaks Winery, Lodi, CA (copy attached hereto,  
Ex. G).

On information and belief, on or about October 26, 2009, Tri-Star and Defendant Scotto caused the approval to be surrendered.

26. Promptly after learning of Defendant's use of the BLUE MOON WINES mark, on or about October 15, 2009, Robert Kerivan telephoned Tri-Star and spoke with a person identifying himself as Anthony Scotto, III. Mr. Scotto admitted that Tri-Star used the d/b/a Blue Moon Wines name in its promotion but argued that, because it was not used directly on labels, it did not infringe Bridgeview's BLUE MOON mark.

27. Mr. Kerivan discovered that the actual BLUE MOON WINES label had some connection with VAZ Brothers Trucking and Bottling Company, 960 S. Guild Avenue, Lodi, California 95240 and upon telephoning that entity was told by an individual representing himself as Phil Vaz that, in effect, the BLUE MOON WINES matter was the work of Mr. Scotto.

28. On or about October 16, 2009, Plaintiff's trademark counsel, Vern Schooley, telephoned Tri-Star's trademark counsel Melvin Owen, Esq., Owen Wickersham & Erickson, P.C. and left a voicemail requesting a return call to discuss Tri-Star's use of the BLUE MOON WINES mark. Mr. Owen did not return that call but did telephone on or about October 21, 2009 to complain that Mr. Schooley's client was "... out of control ..." and threatening to take action if Mr. Kerivan again contacted VAZ Brothers about the matter. In that teleconference, Mr. Owen advised Mr. Schooley that his client Tri-Star had not used the wine labels so he did not believe it was infringing. Mr. Schooley advised Mr. Owen that his information was to the contrary and that labels bearing the mark BLUE MOON WINES had been approved by the TTB.

29. On October 26, 2009, Mr. Owen e-mailed Mr. Schooley to say that no labels had been printed bearing the BLUE MOON WINES mark and that his client had not been aware that the label was submitted to the TTB for approval, stating that his client assured him that the entity listed on the label, Iron Oaks Winery, had not bottled under the BLUE MOON WINES mark and that Iron Oaks Winery listed is a “... bottling d/b/a for Woodbridge Winery, Inc. d/b/a Woodbridge Beverage Company” stating that Anthony Scotto was Chief Executive Officer, Ex. H attached.

30. Defendants Tri-Star, One Plus Two and Woodbridge seek to supply wines from various different sources, distribute nationwide under the BLUE MOON WINES mark and, on information and belief, promote the sale of wines to end users under that mark, including internet sales in this Judicial District. All Defendants have acted in concert and have sponsored and encouraged, facilitated, or otherwise enabled the other Defendants to perform the acts alleged above, and each of the Defendants are jointly liable for their respective co-defendant's acts and omissions.

31. Upon information and belief, all the Defendants have intentionally, maliciously, negligently, recklessly and/or willfully engaged in the conduct described herein.

32. The Defendants' unauthorized use and prospective use of the BLUE MOON WINES mark, either the same as, or deceptively similar to Plaintiff's BLUE MOON mark, for products that are substantially the same or similar to Plaintiff's goods, is likely to cause confusion, mistake and deception to the source of origin of the goods and services to which the designation is applied. In addition, Defendants' activities pose the real threat of causing reverse confusion and inherent and irreparable harm, as set out in cases such as *Big O Tire Dealers, Inc. v. Goodyear Tire & Rubber Co.*, 408 F. Supp. 1219 (D. Colo. 1976).

33. Because of the acts of Defendants, Plaintiff alleges that it is extremely difficult, if not impossible, to police Defendants use of the offending mark(s) and, if allowed to continue, the value of the BLUE MOON mark will be highly devalued. Plaintiff therefore has no adequate remedy at law, and unless Defendants are enjoined, its intellectual property rights will continue to be devalued, and irreparably damage Plaintiff's business opportunities and reputation.

### **FIRST CAUSE OF ACTION**

#### **(Federal Unfair Competition, False Designation of Origin, and Trademark Dilution Under 15 U.S.C. §1125(a) and (c))**

34. Plaintiff repeats and realleges the allegations set forth in Paragraphs 1 through 33, inclusive, as if fully set forth herein.

35. This Count for false designation of origin and unfair competition arises under Section 43(a) of The Lanham Act, 15 U.S.C. §1125(a).

36. The Defendants have unlawfully used Plaintiff's BLUE MOON mark to sell and promote the Defendants' products and services for profit and benefit. The Defendants' respective uses of Plaintiff's property falsely represents or creates the impression in the minds of consumers that Defendants and Plaintiff are associated, connected, or affiliated, or that Plaintiff and the Defendants sponsor or endorse the products and services of the other. Such false representation is likely to cause irreparable harm to Plaintiff's business reputation, image, and goodwill.

37. The use and threatened continued use of the name and marks BLUE MOON and BLUE MOON WINES as aforesaid by Defendants is a false designation of origin as to products and services made available by Defendants and constitutes unfair competition and a false and misleading representation in violation of Section 43(a) of The Lanham Act, 15 U.S.C. §1125(a).

38. The use and threatened continued use of the name and marks BLUE MOON, [www.bluemoonwines.com](http://www.bluemoonwines.com) and BLUE MOON WINES as aforesaid by Defendants is likely to cause dilution of the distinctive quality of Plaintiff's famous mark in contravention of 15 U.S.C. § 1125(c).

39. The Defendants have knowledge of the falsity and misleading nature of its representations, and the consequences of their actions on Plaintiff's intellectual property rights.

40. The Defendants' illegal acts have caused and, unless enjoined, will continue to cause Plaintiff irreparable harm, damage, and injury for which Plaintiff has no adequate remedy at law.

### **SECOND CAUSE OF ACTION**

#### **(Unfair Competition Under ORS 646.608)**

41. Plaintiff repeats and realleges the allegations set forth in Paragraphs 1 through 33, and 34 through 40 inclusive, as if fully set forth herein.

42. This count arises under ORS § 646.608.

43. Defendants' use of the BLUE MOON WINES mark in connection with their businesses has injured and will continue to cause injury to Plaintiff's BLUE MOON mark in violation of ORS § 646.608, all to Plaintiff's irreparable harm, as such Plaintiff has no adequate remedy at law.

### **THIRD CAUSE OF ACTION**

#### **(Common Law Unfair Competition)**

44. Plaintiff repeats and realleges the allegations set forth in Paragraphs 1 through 33, 34 through 40, 41 through 43 inclusive, as if fully set forth herein.

45. This Count arises under federal and state (Oregon) common law of trademark infringement.

46. Defendants' aforesaid activities constitute infringement of Plaintiff's common law service mark rights under Federal and Oregon common law. Such infringement has caused and unless enjoined will continue to cause Plaintiff irreparable harm for which Plaintiff has no adequate remedy at law.

### **PRAYER FOR RELIEF**

Plaintiff demands a jury trial on all claims.

WHEREFORE, BRIDGEVIEW VINEYARDS, INC. respectfully requests this Court enter Judgment against Defendants' and in favor of Plaintiff, for the following:

a. Granting, pursuant to 15 U.S.C. § 1116, a temporary and permanent injunction prohibiting Tri-Star or its respective officers, agents, servants, employees and/or all persons, businesses or entities acting in concert or participation with it from (1) holding itself out as BLUE MOON WINES or using the mark BLUE MOON as a mark or trade name or any confusingly similar variation thereof, alone or combination with any other letters, words, letter strings, phrases, or designs, in commerce or in connection with any business or for any other purpose (including but not limited to, on websites and domain names) in the promotion of the sale of wine; (2) transferring, assigning, selling, or attempting the disposition of the trademark BLUE MOON WINES to any third party; (3) and any other injunctive relief this court deems reasonable and just according to the principals of equity;

b. Granting an order for Tri-Star to transfer the domain name www.bluemoonwines.com to Plaintiff;

- c. Granting, pursuant to 15 U.S.C. § 1117, an accounting and an award of the defendants' profits, damages sustained by Bridgeview, the cost of this action, and any other damages should the court deem proper should it find the award based on profits inadequate;
- d. Granting, pursuant 15 U.S.C. § 1117, an award of attorney's fees;
- e. Granting, pursuant 15 U.S.C. § 1118, an order permanently enjoining and directing Tri-Star and its respective officers, agents, servants, employees, and/or all other persons, businesses or entities in concert or participation with them, to deliver up for destruction all promotional materials, handouts, advertisements, labels, prints, packages, logos, websites, internet marketing, software, business cards, or any other reproduction, copy, or confusingly similar variations of the BLUE MOON mark and all plates, molds, matrices, and other means for making or duplicating the same;
- f. Granting and award of damages, pre-and post-judgment interest, cost and attorney's fees; and
- g. Granting all further relief this court finds equitable and just.

BLACK HELTERINE LLP



Ronald T. Adams, OSB No. 760400  
Natalia Yegorova, OSB No. 065617  
T: 503.224.5560  
Attorneys for Plaintiff BRIDGEVIEW WINERY, INC.

STATE OF OREGON, COUNTY OF JOSEPHINE

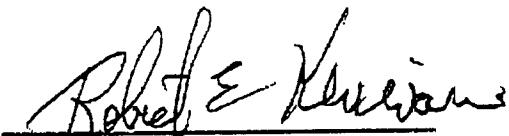
I, the undersigned, declare as follows:

I, Robert Kerivan, am an president of Plaintiff Bridgeview Vincyards, Inc. and a, authorized to make this verification.

I have read the foregoing VERIFIED COMPLAINT FOR UNFAIR COMPETITION AND FALSE DESIGNATION OF ORIGIN (15 U.S.C. § 1125(a)); UNFAIR COMPETITION AND FALSE DESIGNATION OR ORIGIN (ORS § 646.608); TRADEMARK INFRINGEMENT (FEDERAL AND OREGON COMMON LAW) and know its contents. The matters stated in it are true of my own knowledge, except those matters which are stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury under the laws of the State of Oregon that the foregoing is true and correct.

Executed this 5 of November, 2009 in Cave Junction, Oregon.

  
Robert Kerivan  
Robert Kerivan

Int. Cl.: 33

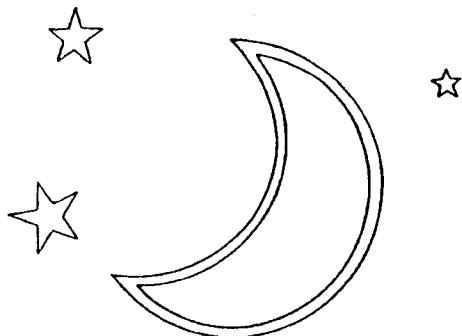
Prior U.S. Cls.: 47 and 49

Reg. No. 2,068,550

**United States Patent and Trademark Office**

Registered June 10, 1997

TRADEMARK  
PRINCIPAL REGISTER



*Blue Moon*

BRIDGEVIEW VINEYARDS, INC. (OREGON  
CORPORATION)  
4210 HOLLANDS LOOP ROAD  
CAVE JUNCTION, OR 97523

FIRST USE 9-10-1993; IN COMMERCE  
9-10-1993.

SER. NO. 74-735,700, FILED 9-29-1995.

FOR: WINE, IN CLASS 33 (U.S. CLS. 47 AND  
49).

GEOFFREY FOSDICK, EXAMINING ATTOR-  
NEY

Int. Cl.: 33

Prior U.S. Cls.: 47 and 49

Reg. No. 2,224,435

United States Patent and Trademark Office

Registered Feb. 16, 1999

TRADEMARK  
PRINCIPAL REGISTER

BLUE MOON

BRIDGEVIEW VINEYARDS, INC. (OREGON CORPORATION)  
4210 HOLLANDS LOOP ROAD  
CAVE JUNCTION, OR 97523

FIRST USE 9-10-1993; IN COMMERCE  
9-10-1993.  
OWNER OF U.S. REG. NO. 2,068,350.  
SER. NO. 75-475,138, FILED 4-27-1998.

FOR: WINE, IN CLASS 33 (U.S. CLS. 47 AND 49).  
JENNIFER RICHARD, EXAMINING ATTORNEY



THE BRIDGEVIEW STORY VINEYARDS OUR WINES SPECIAL OF THE MONTH WINE CLUB

CONTACT US WHERE TO BUY DISTRIBUTOR RESOURCES KERBYVILLE INN

# WELCOME

Bridgeview Winery is home of the famous Blue Moon wines in the blue bottles. Blue Moon Riesling, Chardonnay, and Pinot Noir and the exclusive crescent moon shaped bottle along with our Black Beauty Merlot are favorites.

Blue Moon Wines: Bridgeview Wine

Page 1 of 4

**Natalia Yegorova**

**From:** Vern Schooley [vschooley@fulpat.com]  
**Sent:** Friday, November 06, 2009 1:05 PM  
**To:** Ronald T. Adams  
**Subject:** Emailing: merchant

paragraph 16

[THE BRIDGEVIEW STORY](#)   [VINEYARDS](#)   [OUR WINES](#)   [SPECIAL OF THE MONTH](#)   [CHECKOUT](#)

# BRIDGEVIEW

## VINEYARD & WINERY

[CONTACT US](#)   [WHERE TO BUY](#)   [DISTRIBUTOR RESOURCES](#)
**OUR WINES:**

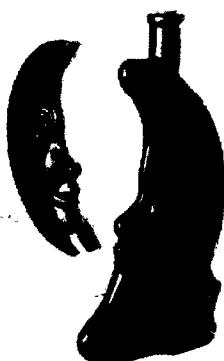
**BLUE MOON WINES**  
**BLACK BEAUTY WINES**  
**RESERVE WINES**  
**PREMIUM WINES**  
**SPECIALS**



*Blue Moon Wines*

**Half-Moon Bottle of Chardonnay**

Quantity in Basket: *none*  
 Price:\$24.95

**FREE SHIPPING!!!**

Our famous Blue Moon Bottle filled with Chardonnay.  
 As seen in USA Today and on the Today Show.

Quantity:  [Add to Basket](#)

**2007 Blue Moon Riesling**

Quantity in Basket: *none*  
 Price:\$8.95

Appellation: 100% Oregon  
 Residual Sugar: 1.75%  
 Alcohol: 12%

Winemaker's Notes:

Exhibit C  
Page 2 of 5



Flavors of ripe apples, apricot nectar, and grapefruit with aromas of honeysuckle. Well balanced, lively and crisp with refreshing acidity on the finish.

#### Previous Awards

"Outstanding Rating!" & Best Buy  
Wine Press Northwest, Summer 2008  
"It's a luscious wine from start to finish and offers enticing armoas of fresh apples, apricots, spices, vanilla, and minerality. On the palate are fruit-laden flavors of peaches and apples . . ."

Best Buy - The Wine Spectator  
Best Buy - The Wine Enthusiast  
Silver Medal - Northwest Wine Summit  
Silver Medal - San Francisco Wine Competition

Quantity:  Add to Basket



#### 2006 Blue Moon Chardonnay

Quantity in Basket: none  
Price:\$9.95

Varietal Content: Chardonnay  
Appellation: 100% Oregon  
Alcohol: 13%

Winemaker's Notes:  
Our Blue Moon Chardonnay is fruit-intense, with juicy notes of citrus and lemon, softly accented with a toasty vanilla finish.

Quantity:  Add to Basket



Blue Moon  
PINOT GRIS

#### 2008 Blue Moon Pinot Gris

Quantity in Basket: none  
Price:\$10.95

Varietal Content: Pinot Gris  
Appellation: 100% Oregon  
Residual Sugar: 0.25%  
Alcohol: 13%

Winemaker's Notes:  
This pleasant white wine is medium-bodied with fresh, vibrant fruit offerings of melon and pear, and a touch of citrus.

Award Previous Vintage  
"Soft and generous, appealing for its honey-scented pear and melon flavors, which echo nicely on the round finish."  
87 points from The Wine Spectator 12/31/08

Gold Medal  
Denver International Wine Competition

Exhibit C  
Page 3 of 5

Quantity: [Add to Basket](#)**2007 Blue Moon Pinot Noir**Quantity in Basket: *none*

Price:\$19.95

Varietal Content: Pinot Noir  
Appellation: 100% Oregon  
Alcohol: 13%

## Winemaker's Notes:

This wine has fresh, ripe fruit flavors, showing black cherry and raspberry on the palate. A nicely structured, rich body with a lasting finish.

Quantity: [Add to Basket](#)**2006 Blue Moon Merlot**Quantity in Basket: *none*

Price:\$9.95

Varietal: 100% Merlot  
Appellation: 100% Oregon  
Alcohol: 12.5%

## Winemaker's notes:

This bright, youthful, ruby-colored wine evokes flavors of blueberry and black cherry. We think you'll find the mouthfeel to be medium-full, and nicely focused on the palate.

Quantity: [Add to Basket](#)

One Bottle each of:  
 Blue Moon Cabernet Sauvignon  
 Blue Moon Cabernet-Merlot  
 Blue Moon Merlot  
 Blue Moon Chardonnay  
 Blue Moon Pinot Gris  
 Blue Moon Riesling

6 Bottle Sampler  
**\$60.00**  
includes ground  
US shipping

**Blue Moon Sampler**Quantity in Basket: *none*

Price:\$60.00

1 bottle each  
 2006 "Blue Moon" Chardonnay  
 2008 "Blue Moon" Pinot Gris  
 2007 "Blue Moon" Riesling  
 2007 "Blue Moon" Merlot  
 2006 "Blue Moon" Cabernet/Merlot  
 2006 "Blue Moon" Cabernet Sauvignon

\$60.00 includes free UPS ground shipping

The next Blue Moon is on December 31st!

Quantity: [Add to Basket](#)Exhibit C  
Page 4 of 5

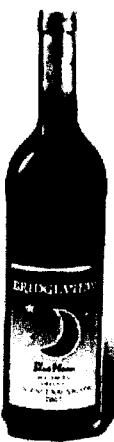
**2005 Blue Moon Cabernet Merlot**

Quantity in Basket: *none*  
Price:\$9.95

Varietal Content: 51% Cabernet Sauvignon and 49% Merlot  
Appellation: Southern Oregon  
Alcohol: 13%

## Winemaker's Notes:

This Bordeaux-style blend of Cabernet Sauvignon and Merlot shows aromas of cherry and cloves, with flavors that hint of plum, red raspberry and vanillin characters.

Quantity: [Add to Basket](#)**2006 Blue Moon Cabernet Sauvignon**

Quantity in Basket: *none*  
Price:\$9.95

Varietal: 100% Cabernet Sauvignon  
Appellation: Southern Oregon  
Alcohol: 13%

## Winemaker's notes:

This wine has classic aromas of plum and cassis, which leads to a balanced mouthfeel, and a lingering finish.

Quantity: [Add to Basket](#)

4210 Holland Loop Road Cave Junction, OR 97523  
Phone: (541) 592-4688 Toll Free (877) 273-4843 Fax (541) 592-2127  
Email: [bwv@bridgeviewwine.com](mailto:bwv@bridgeviewwine.com) [www.bridgeviewwine.com](http://www.bridgeviewwine.com)

## BRIDGEVIEW VINEYARD & WINERY

[HOME](#)   [THE BRIDGEVIEW STORY](#)   [OUR WINES](#)   [SPECIAL OF THE MONTH](#)   [CHECKOUT](#)  
[CONTACT US](#)   [WHERE TO BUY](#)   [DISTRIBUTOR ORDER FORM](#)

[twitter](#)[RSS feed](#)[facebook](#)[e-mail](#)[home](#) [interviews](#)[RSS](#)[gallery](#)[links](#)[privacy](#)[sitemap](#)

advertisement

wine.com

Top rated  
NAPA  
VALLEY  
CABS

[SHOP NOW >](#)

wine in the news



Guy Woodward's blog: the last instalments  
Decanter's editor Guy Woodward spent three

## once in a blue moon

Written by Nikitas Magel. (To view article on WHITE background, click small printer icon above.)



### Spotlight on Blue Moon Wines

Once in a blue moon. That's about how frequently we find deep-value driven wines in the marketplace that are actually worth more than the bottles in which they come. At the \$7 or \$8 per bottle price point, it's frankly next to impossible to get anything decent, especially among California wines. In fact, I generally recommend *against* spending anything below \$10; my belief is that it's better to spend a couple of extra dollars in order to really get your money's worth. But there are exceptions. One of these is Blue Moon Wines, a California producer with New York Italian roots that produces a few lines of value-driven wines, which can be found in some west coast markets for about \$7 retail. I met with the company's president, Anthony Scotto III, to talk about his mission for providing budget-conscious customers with solid California wines as well as his views on the value market as a whole.

"Consistency. That is the key with our value brands. That's why we've been able to capture a market." With these simple and straightforward words, Scotto describes the thrust of his contribution to the wine market as the fifth generation president of a family business whose lineage began in Italy, continued in Brooklyn, and carries on today in Northern California. And while the company has maintained its commitment to making good, solid wines accessible to the masses, the business model has since moved away from the overhead of a storefront: "We are pushing the thought, the feeling, the emotion behind the wine, without having the brick-and-mortar — that's why our business has been successful. We can then put all of our efforts into marketing and sales, and into putting into bottle the best possible product we can."

Blue Moon's three lines of entry-level, everyday wine, arguably the company's bread and butter, are Brown Stone, Stonewood, and Black Ridge. In speaking about these, Anthony says, "I came out with those wines at a very inexpensive price, vintage-dated. And what happened was that I went to small wholesalers, who did not have value wines to sell to on-premise accounts to compete with the other bulk wine producers from California — Gallo, Constellation, etc. So I became important to the wholesaler; I gave them a wine whose quality exceeds the price tag. I became important to them; I was their go-to supplier for value-driven wines." When asked what separates these wines from any of the number of those similarly priced and positioned in the market, Scotto asserts, "My products are different from everything else on the market, because they're value wines *made* for the small retailer. First off, small retailers are getting those wines at a price where they can make a full margin. Secondly, we supply those retailers on the value side with wines that aren't going to be in Safeway, that aren't going to be produced all over the place and sold all over the place — they would typically not even have a wine that they would recommend at \$8; they have those wines at \$20 and up."

Blue Moon also puts out a line of wine in the mid-range that was recently taken on as the house wine for Sullivan's steakhouses nationwide. A full-bodied, powerhouse of a red blend made primarily from Cabernet Sauvignon, the wine is appropriately called Heavyweight. Anthony explained a bit more of what went into choosing the name and corresponding label featuring a vintage boxer: "What we did with this brand is that, because it had originally had

D  
Exhibit  
Page 1 of 2

weeks in South Australia, visiting upwards of 30 wineries,...

First Quench to shut stores, seeking buyers

The administrators of First Quench Retailing are to shut 373 stores, resulting in 1,738 redundancies.

Agostini guilty

Hanna Agostini, Robert Parker's former translator, has been found guilty of complicity in a fraud.

Antinori releases first Romanian wine

Piero Antinori and John Halewood launch a new joint venture at Romania's Italian embassy tonight.

Blog: Steven Spurrier lambasts France's 'prohibitionist' government  
"Wine is not a sin" were the opening words from Jean-Robert Pitte, the former president...

what was perceived as a feminine label, our wine wholesalers back east — very over-the-top macho guys — complained: 'Anthony, why are you giving me this girly wine to sell?' So that's why we came out with Heavyweight Red. But we also wanted to have vintage, old-school look to it, something for the guy who typically drinks beer..." True to its name, this wine is substantial, with a good deal of extraction and a lot of fruit: "That's the style we want. We want the average guy who usually drinks a cocktail or a beer to drink this and consider it a good red wine." Another thing of note about the Heavyweight Red is its bottling in heavy-gauge glass — far from typical for wines at this price point. Scotto explained that this was an assertive marketing choice made in the interest of conveying a quality that, once again, exceeds its price point.

To learn more about these wines and how to get them, visit Blue Moon Wines online. ■

[Email This](#)

[Bookmark](#)

[Set as favorite](#)

## Comments (0)

[Subscribe to this comment's feed](#)

[+ Show/Hide comments](#)

### Write comment

[Show/Hide comment form](#)

-----Copyright © 2007-2009 Nikitas Magel. All rights reserved.-----



*R.C. Scotto Wines*  
The Craftsmanship of Fine Wine



Home    Blue Moon Family    Wine Portfolio    Awards    News & Events    Memberships    Trade Partners    Find Wines    Contact

## The Scotto Family Wine Story

Our family's wine history started in the mid 1800's with my grandfather, Salvatore Dominic Scotto, in Ischia, Italy. Like many in his day, he made wine for the family table and sold the excess; while presenting his wine to a new neighbor, he met his future bride. He taught his first son, Dominic, everything he knew about making wine.



In the years ahead Dominic followed in his father's footsteps, making wine for his family in his spare time while he worked as a ship's caulk. In 1903 his family immigrated to New York and eventually settled in Brooklyn, where he practiced his trade on the wooden ships docked at ports up and down the east coast. He would bid on repair jobs or new construction and organize teams of caulkers to help him finish each ship. He also resumed his second career as a winemaker and started selling five gallon crocks of red wine to the neighbors from his horse drawn wagon. As his wine business grew, he decided to become a retailer and opened Scotto Liquors right after Prohibition. Sal, the first of his four sons and my oldest brother, was born in 1920.

My wine career started in 1940 when I was 13 years old, selling and delivering my father's red wine in our Brooklyn neighborhood. The two wheeled cart I pushed through the streets was pretty heavy because it was filled with one gallon bottles and many customers bought by the case - \$4.00 for four gallons of wine. A pretty good value, even in those days!



Later on, my older brother Sal returned after two tours in the Army, and in 1953 we bought Colucci Wholesale. For \$5,000, we got a Brooklyn distributor with one salesman who sold wine to the neighbors and only spoke Italian. Obviously, Colucci wasn't very big, but we were excited (and more than a little scared) to have our own business. Sal came up with the idea of creating a new brand wine

### Blue Moon Family

Anthony Scotto III, President  
Natalie Scotto, Customer Relations  
Paul Scotto, Winemaker  
Anthony Scotto, Sr., Advisor  
Nero, Hospitality

### Blue Moon Partners

Mike Coveney, Export Sales  
Cindy Gander, Gander Design  
John McClelland, Consulting Winemaker and Sales Director  
Bob Walker, Marketing Consultant  
Jim Yerkes, Consulting Winemaker

### Contact Us

Phone: 925-691-9600  
ascotto@bluemoonwines.com

Blue Moon Wines  
712 Bancroft Road #463  
Walnut Creek, CA 94598

Armando, in 1948. We called these wine "Rustico", the Italian word for rustic. Our younger brother, Father Dominic, created the face on the label, which has not changed since 1955.

For the next few years, Caesar Mondavi bottled Villa Armando for us at his California winery. In 1961, we were finally able to buy the Gariti Winery in Pleasanton, which we renamed Villa Armando. For the first time, we could make the wine ourselves and control the quality from the vineyard to the bottle. Today, Villa Armando is one of the oldest wine brands in the U.S., and has been poured into more than 200,000,000 glasses! Lots of people still appreciate the quality of a traditional Italian style wine, and I'm happy that I didn't have to sell it off the push cart like the old days!

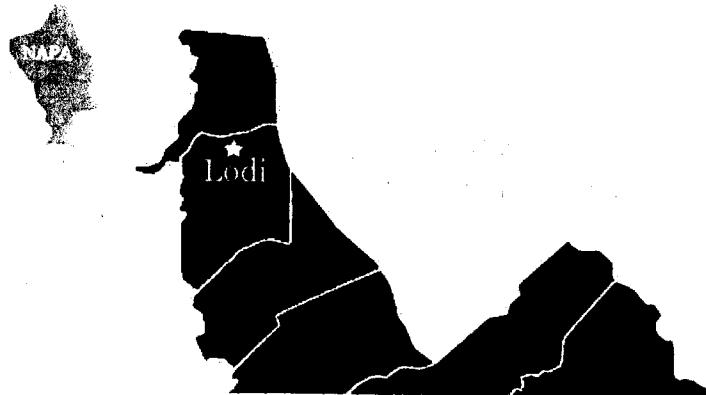
Sal was a big part of our family's wine business until his death in 1973, but he rarely mentioned the adventures he'd had while serving his country in World War II and Korea. We were all very proud of him, and the Army was too – they made him a Field Captain and awarded him two Purple Hearts, a Silver Star, and more ribbons and medals than we could count. We like to say that he helped us start our business, but more importantly, men like Sal protected our opportunity to be in business.

Our other brother, Leo, wanted to be a retailer so in 1949, he took over Scotto Liquors from our father. The store is still in business today, making it one of New York's oldest retail liquor licenses.

I've sold a lot of wine, but the best sale I ever made was in a Greenwich Village liquor store in 1955. I was putting bottles of Villa Armando on the shelf when I met the store's new clerk. Seven months later, she became my wife, thus making me the second Scotto to meet his future bride while selling wine.

Our oldest son, Anthony II, was born a few years later and started in the family business when he was a teenager. He became a winemaker, winery owner, exporter and wine consultant, so I guess he has some Villa Armando in his veins, too.

Today, I'm proud that the latest generation, Anthony III and his younger sister Natalie have carried on the family business in a new format, BLUE MOON WINES. They still sell Villa Armando, along with their newer brands, in the U.S. and Europe, and continue to make wine at their two Lodi wineries. They'll tell you their story on the other pages of this website, and we hope you'll share our wines with your family and friends, like the Scotto's have done for five generations.



Tradename	Legal Owner	License Type	License Number
BERCUT VANDERVOORT	BERCUT VANDERVOORT CO	CERA	74556
BERESAN WINERY	WALISERY WINERY LLC	CERA	89866
BERGEVIN LANE VINEYARDS	BERGEVIN LANE VINEYARDS LLC	CERA	115595
BERGEVIN LANE VINEYARDS	BERGEVIN LANE VINEYARDS LLC	DS	115626
BERGSTROM WINES	BERGSTROM WINES LLC	WY	120451
BERINGER VINEYARDS	FOSTER'S WINE ESTATES AMERICAS COMP	DS	116602
BERINGER WINES	FOSTER'S WINE ESTATES AMERICAS COMP	CERA	75029
BERNARDUS WINERY	BERNARDUS WINERY	CERA	72751
BERNARDUS WINERY	BERNARDUS LLC	DS	116686
BERRYESSA GAP VINEYARDS	WINTERS WINERY	CERA	126439
BETHANY VINEYARD & WINERY	BETHANY VINEYARD & WINERY	CERA	102050
BETHEL HEIGHTS VINEYARD INC	BETHEL HEIGHTS VINEYARD INC	WY	118568
BETZ FAMILY WINERY	BETZ FAMILY WINERY LLC	CERA	106225
BETZ FAMILY WINERY	BETZ FAMILY WINERY LLC	DS	115887
BEVERAGE INTERNATIONAL	JAMES P. MAURER	CERA	116636
BEVMO	BEVERAGES & MORE INC	DS	117736
BGA INTERNATIONAL USA	BGA INTERNATIONAL USA INC	CERA	129273
BHF IMPORT & EXPORT	BHF IMPORT & EXPORT INC	CERA	118241
BIANCHI VINEYARDS	MODERN DEVELOPMENT COMPANY	CERA	112095
BIANCHI VINEYARDS	MODERN DEVELOPMENT COMPANY LP	DS	116702
BIANCO-ROSSO IMPORTS LTD	ARE MANZIN	CERA	91032
BIBULOUS	TROY D. SMITH	CERA	92297
BIG BASIN VINEYARDS	BIG BASIN VINEYARDS LLC	DS	115691
BIG O WINE COMPANY	BIG O WINE COMPANY	CERA	105020
BIG SKY BREWING COMPANY	BIG SKY BREWING CO	CERA	73892
BIG TABLE FARM	MARY C. CARVER	WYNC	121696
BIGGIO HAMINA CELLARS	BIGGIO HAMINA CELLARS LLC	WY	120779
BIGHORN CELLARS	BIGHORN CELLARS LLC	CERA	88597
BIGHORN CELLARS	BIGHORN CELLARS LLC	DS	117297
BIGVINE	LIQUID TRAE SOLUTIONS	CERA	129590
BILL'S TAVERN & BREWHOUSE	BILL'S INC	BP	118575
BILLINGTON WINES	BILLINGTON IMPORTS INC	CERA	88943
BILTMORE ESTATE WINE COMPANY	BILTMORE ESTATE WINE COMPANY	DS	130241
BINDING BRAUEREI USA	BINDING BRAUEREI USA INC	CERA	100247
BISHOP CREEK CELLARS	BISHOP CREEK FARMS INC	WY	104721
BISHOP WINE DISTRIBUTORS	PERRY D. BISHOP	WMBW	115716
BJ'S RESTAURANT & BREWERY	CHICAGO AMERICA HOLDING LLC	CERA	115468
BLACK DIAMOND BREWING COMPANY	BLACK DIAMOND BREWING COMPANY INC	CERA	121713
BLACK DIAMOND SPIRITS	BLACK DIAMOND SPIRITS LLC	CERA	102525
BLACK MOUNTAIN BREWING COMPANY	BLACK MOUNTAIN BREWING CO	CERA	74636
BLACK RIDGE VINEYARDS	BLACK RIDGE VINEYARDS	DS	118215
BLACK TIE CELLARS	MARKHAM VINEYARDS	CERA	112017
BLACK TIE CELLARS	MARKHAM VINEYARDS	WSD	117524
BLACK WALNUT INN & VINEYARD	BLACK WALNUT INN & VINEYARD LLC	WYNC	118485
BLAKESLEE VINEYARD ESTATE	BLAKESLEE VINEYARD ESTATE INC	WYNC	126154
BLANKIET ESTATE	BLANKIET ESTATE LLC	DS	115493
BLOCK 15	BLOCK 15 BREWING COMPANY INC	BP	126119
BLUE DANUBE WINE CO	TELECULTURE LLC	CERA	89865
BLUE DOG MEAD COMPANY	VALERIE HIVELEY BLATZ	WY	127345
BLUE HOUSE CAFE	BLUE HOUSE CAFE LLC	BP	121236
BLUE MOON WINES	TRI STAR MARKETING INC	CERA	107456
BLUE MOUNTAIN CIDER COMPANY	BLUE MOUNTAIN CIDER COMPANY LLC	WY	128140
BLUEWATER WINE CO	BLUEWATER WINE CO	CERA	84995
BMC IMPORTS	BUSINESS MICROCOSM CORPORATION	CERA	116501
BOBDOG WINES	BOBDOG LLC	DS	117599
BODEGAS M	BODEGAS M INC	CERA	126811
BODHICHITTA WINERY	MARK P. PRODEN	WYNC	117975

Tradename	Legal Owner	License Type	License Number
BOEDECKER CELLARS	BOEDECKER CELLARS LLC	WY	116955
BOEGER WINERY	BOEGER WINERY INC	DS	130242
BOGLE VINEYARDS	BOGLE VINEYARDS INC	CERA	74519
BOGLE VINEYARDS	BOGLE VINEYARDS INC	DS	117506
BOISSET WINES USA	JEAN CLAUDE BOISSET WINE USA INC	CERA	74167
BOLTON CELLARS	JENN INC	GSP	129989
BON VIVANT IMPORTS	BON VIVANT IMPORTS	CERA	122352
BON VIVANT MERCHANTS	BON VIVANT MERCHANTS LLC	CERA	82128
BON VIVANT MERCHANTS	BON VIVANTS MERCHANTS LLC	WMBW	125504
BONAIR WINERY	BONAIR WINERY	CERA	103075
BONNY DOON VINEYARD	BONNY DOON VINEYARDS	CERA	74816
BONNY DOON VINEYARD	BONNY DOON WINERY INC	DS	116685
BOOKWALTER WINERY	BOOKWALTER WINERY LLC	DS	118091
BOOKWALTER WINERY/BOOKWALTER CELLAR	BOOKWALTER WINERY LLC	CERA	73899
BOOTIE BEER COMPANY	BOOTIE BEER COMPANY	CERA	69750
BORDEAUX ETC WINE IMPORTS	JORGE MENDEZ	CERA	129567
BORDEAUX WINE LOCATORS INC	BORDEAUX WINE LOCATORS INC	CERA	130042
BORISAL LIQUOR & WINE	MUKHERJEE 10TH ST LIQUOR STORE LLC	DS	117254
BORRA WINES	STEPHEN J. BORRA	CERA	115619
BOSTON BEER COMPANY	BOSTON BEER CORP	CERA	86144
BOTTLED POETRY IMPORTS	BOTTLED POETRY IMPORTS LLC	CERA	103170
BOTTLEROCKET BEVERAGE RESOURCE	BOTTLEROCKET BEVERAGE RESOURCE LL	CERA	116985
BOUCHAINE	BOUCHAINE VINEYARDS INC	CERA	73095
BOUCHAINE VINEYARDS	BOUCHAINE VINEYARDS INC	DS	117993
BOUCHAINE VINEYARDS	BOUCHAINE VINEYARDS INC	WSD	117994
BOUDIN	ANDRE BOUDIN BAKERIES INC	DS	127958
BOULDER BEER CO	BOULDER BEER INC	CERA	115790
BOULDER IMPORTS	BOULDER IMPORTS LLC	CERA	65321
BOULEVARD BREWING COMPANY	BOULEVARD BREWING ASSOCIATES LTD P	CERA	123985
BOUNDARY BAY BREWERY & BISTRO	BOUNDARY BAY BREWING CO	CERA	105024
BOURASSA VINEYARDS	BOURASSA WINE GROUP LLC	CERA	115582
BOURGEOIS FAMILY SELECTIONS	BOURGEOIS FAMILY SELECTIONS	CERA	107874
BOUTINOT WINE ESTATES	BOUTINOT WINE ESTATES INC	CERA	116336
BOUTIQUE WINE COLLECTION	LOEST & MCNAMEE INC	CERA	89860
BR COHN WINERY	BR COHN WINERY INC	DS	115613
BR COHN WINERY INC	BR COHN WINERY INC	CERA	74678
BRADLEY VINEYARDS	BRADLEY WINERY LLC	WY	122774
BRADBORG VINEYARD & WINERY	ORCA PROPERTIES LLC	WY	123509
BRASSFIELD ESTATE WINERY	BRASSFIELD ESTATE WINERY LLC	CERA	104245
BRASSFIELD ESTATE WINERY	BRASSFIELD ESTATE WINERY LLC	DS	117885
BRAY VINEYARDS	OLIVER W. BRAY	DS	117735
BREHM VINEYARDS	FAYE BREHM	WSD	116422
BRESSLER VINEYARDS	BRESSLER VINEYARDS LLC	DS	130156
BREWER CLIFTON	GREGORY BREWER	DS	115436
BREWER-CLIFTON	BREWER-CLIFTON	CERA	85538
BREWERS UNION LOCAL 180	BREWERS UNION LLC	BP	125782
BRIAN CARTER CELLARS	BRIAN CARTER CELLARS LLC	DS	115639
BRIARCLIFF WINE GROUP	BRIARCLIFF WINE GROUP LLC	CERA	116504
BRICATO IMPORTS	BRICATO IMPORTS LLC	CERA	83232
BRICK HOUSE WINE COMPANY	BRICK HOUSE WINE CO	WY	118628
BRIDGEPORT BREWING COMPANY	COMEBACK BREWING INC	BP	117898
BRIDGEPORT DISTRIBUTION	BRIDGEPORT DISTRIBUTION INC	WH	118829
BRIDGEVIEW VINEYARDS	BRIDGEVIEW VINEYARDS INC	WY	127789
BRIGADOON WINE CO	BRIGADOON VINEYARD LLC	GSP	127718
BRIGGS & SONS WINEMAKING CO	AUGUST JOSEPH BRIGGS	CERA	61292
BRIGGS HILL VINEYARDS	DEANNA R. KUHN	WY	125505
BRITTAN VINEYARDS	BRITT HILL LLC	WYNC	121282

OMB No. 1513-0020 (01/31/2009)

<b>FOR TTB USE ONLY</b>			<b>DEPARTMENT OF THE TREASURY</b> <b>ALCOHOL AND TOBACCO TAX AND TRADE BUREAU</b> <b>APPLICATION FOR AND</b> <b>CERTIFICATION/EXEMPTION OF LABEL/BOTTLE</b> <b>APPROVAL</b> <small>(See Instructions and Paperwork Reduction Act Notice on Back)</small>		
TTB ID 09103001000210					
1. REP. ID. NO. (If any)	CT 81	OR 01			
<b>PART I - APPLICATION</b>					
2. PLANT REGISTRY/BASIC PERMIT/BREWER'S NO. (Required) BWC-CA-15011	3. SOURCE OF PRODUCT (Required) <input checked="" type="checkbox"/> Domestic <input type="checkbox"/> Imported	8. NAME AND ADDRESS OF APPLICANT AS SHOWN ON PLANT REGISTRY, BASIC PERMIT OR BREWER'S NOTICE. INCLUDE APPROVED DBA OR TRADENAME IF USED ON LABEL (Required)  VAZ BROTHERS LLC 1300 E VINE ST			
4. SERIAL NUMBER (Required) 090012	5. TYPE OF PRODUCT (Required) <input checked="" type="checkbox"/> WINE <input type="checkbox"/> DISTILLED SPIRITS <input type="checkbox"/> MALT BEVERAGE	6. NAME AND ADDRESS OF APPLICANT AS SHOWN ON PLANT REGISTRY, BASIC PERMIT OR BREWER'S NOTICE. INCLUDE APPROVED DBA OR TRADENAME IF USED ON LABEL (Required)  IRON OAKS WINERY (Used on label)			
6. BRAND NAME (Required) BLUE MOON WINES		8a. MAILING ADDRESS, IF DIFFERENT			
7. FANCIFUL NAME (If any)					
9. EMAIL ADDRESS 4PVAZ@SOFTCOM.NET	10. FORMULA/SOP NO. (If any)	11. LAB. NO. & DATE / PREIMPORT NO. & DATE (If any)	12. TYPE OF APPLICATION (Check applicable box(es))  a. <input checked="" type="checkbox"/> CERTIFICATE OF LABEL APPROVAL <input type="checkbox"/> CERTIFICATE OF EXEMPTION FROM LABEL APPROVAL "For sale in _____ only" (Fill in State abbreviation.) DISTINCTIVE LIQUOR BOTTLE APPROVAL TOTAL BOTTLE CAPACITY BEFORE CLOSURE (Fill in amount) RESUBMISSION AFTER REJECTION TTB ID. NO. _____		
12. NET CONTENTS 750 MILLILITERS	13. ALCOHOL CONTENT 13.0	14. WINE APPELLATION IF ON LABEL LODI, CALIFORNIA			
15. WINE VINTAGE DATE IF ON LABEL 2008	16. PHONE NUMBER (209) 365-7530	17. FAX NUMBER (209) 365-7534			
19. SHOW ANY WORDING (a) APPEARING ON MATERIALS FIRMLY AFFIXED TO THE CONTAINER (e.g., caps, celloseals, corks, etc.) OTHER THAN THE LABELS AFFIXED BELOW, OR (b) BLOWN, BRANDED OR EMBOSSED ON THE CONTAINER (e.g., net contents etc.). THIS WORDING MUST BE NOTED HERE EVEN IF IT DUPLICATES PORTIONS OF THE LABELS AFFIXED BELOW. ALSO, PROVIDE TRANSLATIONS OF FOREIGN LANGUAGE TEXT APPEARING ON LABELS.					
<b>PART II - APPLICANT'S CERTIFICATION</b>					
<p>Under the penalties of perjury, I declare: that all statements appearing on this application are true and correct to the best of my knowledge and belief; and, that the representations on the labels attached to this form, including supplemental documents, truly and correctly represent the content of the containers to which these labels will be applied. I also certify that I have read, understood and complied with the conditions and instructions which are attached to an original TTB Form 5100.31, Certificate/Exemption of Label/Bottle Approval.</p>					
20. DATE OF APPLICATION 04/13/2009	21. SIGNATURE OF APPLICANT OR AUTHORIZED AGENT (Application was e-filed)		22. PRINT NAME OF APPLICANT OR AUTHORIZED AGENT PHIL VAZ		
<b>PART III - TTB CERTIFICATE</b>					
<p>This certificate is issued subject to applicable laws, regulations and conditions as set forth in the instructions portion of this form.</p>					

Page 1 of 1

6. 1513-0020

Page 2 of 3

13. DATE ISSUED  
04/19/2009

24. AUTHORIZED SIGNATURE, ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

Nicole C. Burkhardt

FOR TTB USE ONLY	
QUALIFICATIONS	EXPIRATION DATE (if any)
STATUS <u>THE STATUS IS SURRENDERED.</u>	
CLASS/TYPE DESCRIPTION TABLE WHITE WINE	

AFFIX COMPLETE SET OF LABELS BELOW

Image Type: Brand (front)  
Actual Dimensions: 3.8 inches W X 3.2 inches H

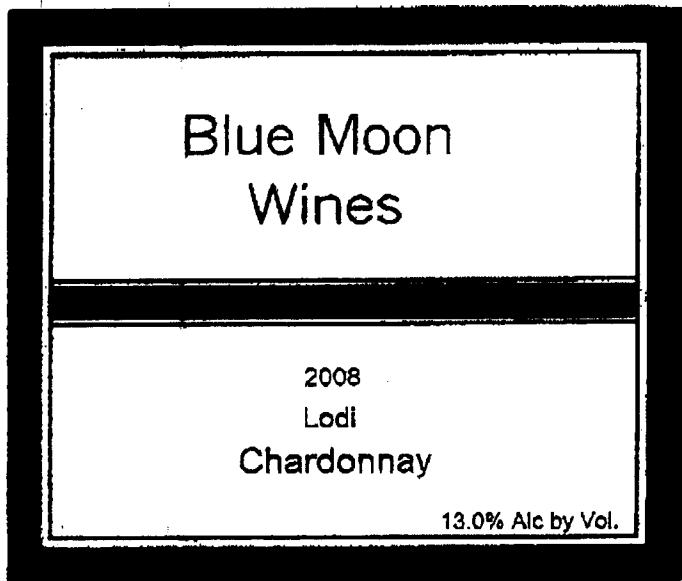


Image Type: Back  
Actual Dimensions: 2.4 inches W X 3.9 inches H

ATTN: Rebekah  
Boyle

Exhibit G  
Page 2 of 3

0.1513-0020

Page 3 of 3

BLUE MOON  
WINES

2008

LODI

CHARDONNAY

Vinted and Bottled By

IRON OAKS WINERY

Lodi, California

750 ml

Alcohol 13% By Volume

CONTAINS SULFITES

GOVERNMENT WARNING: (1) ACCORDING TO THE SURGEON GENERAL, WOMEN SHOULD NOT DRINK ALCOHOLIC BEVERAGES DURING PREGNANCY BECAUSE OF THE RISK OF BIRTH DEFECTS. (2) CONSUMPTION OF ALCOHOLIC BEVERAGES IMPAIRS YOUR ABILITY TO DRIVE A CAR OR OPERATE MACHINERY, AND MAY CAUSE HEALTH PROBLEMS.

TTB F 5100.31 (8/2006) PREVIOUS EDITIONS ARE OBSOLETE

Exhibit G  
Page 3 of 3

**Bridgeview Winery - Tim**

**From:** Vern Schooley [vschooley@fulpat.com]  
**Sent:** Monday, October 26, 2009 3:15 PM  
**To:** bvw  
**Subject:** Fw: Blue Moon Wines Label never printed.

Bob, Latest from Owen. Vern

Sent from my Blackberry

----- Original Message -----

From: Mel Owen <MOWEN@owe.com>  
To: Vern Schooley  
Sent: Mon Oct 26 14:46:26 2009  
Subject: Re: Blue Moon Wines Label never printed.

Vern, Have heard from my client and you will be pleased to learn that no labels were printed. In addition, no wine was ever transferred to Vaz for bottling. Apparently what happened, without my clients knowledge, a label was computer generated and submitted to the TTB for Approval. Because of the expense of printing labels, it is my clients custom to have label approvals based on a mock up, then, if the label is to be used, printed labels are ordered. No labels were ever ordered, and no wine was bottled.. My client assures me that its Iron Oaks Winery has never bottled wines under Blue Moon nor transferred any wines to Vaz for bottling. Iron Oaks Winery is a bottling dba for Woodbridge Winery, Inc. dba Woodbridge Beverage Company BW-5943. My client Anthony Scotto is the CEO of Woodbridge Winery Inc.

The only documents that Mr. Scotto has regarding the Blue Moon Wines label is the label approval. I have asked my client to send me the cancelation request sent to the TTB, and will forward a copy to you.

Mel  
Owen Wickersham & Erickson P.C.  
455 Market Street Suite 1910  
San Francisco, Ca. 94105  
415-882-3200  
mowen@owe.com

---

From: Vern Schooley [mailto:vschooley@fulpat.com]  
Sent: Wednesday, October 21, 2009 4:34 PM  
To: Mel Owen  
Subject: Tri-Star Marketing Inc, Tri Star Marketing, LLC , Iron Oaks Winery , Blue Moon Wines-Family, One Plus Two, Inc, VAZ Brothers

Dear Mel,

Thank you for your assurance that the license to us the BLUE MOON WINES label was cancelled today and assurance that there was no wine bottled under that label.

I understand you will get me the name of the printer for the labels, number that was printed and number in inventory. Given the history in this matter, you can appreciate that it would be better if those labels were shipped to me or my client so that they can be accounted for. Please instruct your client(s) not to destroy any labels or associated documentation.

Also, please let me have the address and TTB number for Iron Oaks Winery, the name of all wineries that made wine intended for or that was placed in the bottles for the subject BLUE MOON WINES label , as well as a copy of the bond to bond transfer documents for the 08 wine intended for, or bottled in, those bottles.

10/26/2009

Exhibit H  
Page 1 of 2

Fw: Blue Moon Wines Label never printed.

Also, please let me know which of the above parties you represent in this matter and the name of the individual(s) responsible for selecting the BLUE MOON WINES mark for the labels and the entity that advised there was no wine bottled under the subject labels.

Thank you for your anticipated cooperation.

Vern

Vern Schooley  
Partner  
Fulwider Patton LLP  
Howard Hughes Center  
6060 Center Drive, Tenth Floor  
Los Angeles, CA 90045  
T: 310.824.5555  
F: 310.824.9696

The contents of this e-mail message and its attachments are covered by the Electronic Communications Privacy Act (18 U.S.C. 2510-2521) and are intended solely for the addressee(s) hereof. In addition, this e-mail transmission may be confidential and it may be subject to privilege protecting communications between attorneys or solicitors and their clients. If you are not the named recipient, or the employee or agent responsible for delivering the message to the intended recipient, or if this message has been addressed to you in error, you are directed not to read, disclose, reproduce, distribute, disseminate or otherwise use this transmission. Delivery of this message to any person other than the intended recipient(s) is not intended in any way to waive privilege or confidentiality. If you have received this communication in error, please notify us immediately by return e-mail or by telephone, 310-824-5555, and delete and/or destroy all copies of the message immediately.

10/26/2009

Exhibit H  
Page 2 of 2